



## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Eric B. Stenzel

Group Art Unit: 3738

Application No.: 10/701,455

Examiner: Suzette Jaime J Gherbi

Filed: November 6, 2003

Docket No.: 12013/48301

For METHOD AND APPARATUS FOR CONTROLLED DELIVERY OF ACTIVE

SUBSTANCE

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

☐ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

the merit	This Information Disclosure Statement is being filed more than three after the U.S. filing date AND after the mailing date of the first Office Action on its, but before the mailing date of a final action, Notice of Allowance, or any at otherwise closes prosecution.
foi mo	a. I hereby certify that each item of information contained in this formation Disclosure Statement was first cited in any communication from a reign patent office in a counterpart foreign application not more than three onths prior to the filing of this Information Disclosure Statement. 37 CFR 1.97(e)(1).
in rea ma	b. I hereby certify that no item of information in this Information isclosure Statement was cited in a communication from a foreign patent office a counterpart foreign application, and, to my knowledge after making asonable inquiry, was known to any individual designated in 37 CFR §1.56(c) ore than three months prior to the filing of this Information Disclosure tatement. 37 CFR §1.97(e)(2).
the	c. Please debit Deposit Account No. <u>11-0600</u> in the amount of 180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of e disclosed information. Two duplicate copies of this paper are attached. 37 FR §1.97(c)(2).
before pa Disclosur amount o	action, Notice of Allowance or an action that otherwise closes prosecution, but ayment of the Issue Fee. Applicant(s) hereby request(s) that the Information re Statement be considered. Please debit Deposit Account No. 11-0600 in the of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure ation of the disclosed information. Two duplicate copies of this paper are
for mo	a. I hereby certify that each item of information contained in this formation Disclosure Statement was first cited in any communication from a reign patent office in a counterpart foreign application not more than three onths prior to the filing of this Information Disclosure Statement. 37 CFR I.97(e)(1).
in rea mo	b. I hereby certify that no item of information in this Information isclosure Statement was cited in a communication from a foreign patent office a counterpart foreign application, and, to my knowledge after making asonable inquiry, was known to any individual designated in 37 CFR §1.56(c) ore than three months prior to the filing of this Information Disclosure satement. 37 CFR §1.97(e)(2).
☐ 4. present s	Relevance of the non-English language reference(s) is discussed in the specification.

5. The reference(s) was/were cited in a counterpart application (PCT/US04/036489). Copies of the International Search Report dated May 27, 2005, and the Written Opinion of the International Searching Authority also dated May 27, 2005, are attached for the Examiner's information.
☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
7. The Examiner's attention is directed to co-pending U.S. Patent Application No, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
9. The reference(s) was/were cited by or submitted to the Office in parent application No, filed, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFF §1.98(d).
☐ 10. English-language Abstracts of the non-English language references are attached hereto.
□ 11. Other.
Respectfully submitted,
Date: 9 June 2005  Douglas E. Ringel Registration No. 34,416
Kenyon & Kenyon 1500 K Street, N.W. Washington, D.C. 20005 Telephone: (202) 220-4200 Facsimile: (202) 220-4201

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Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Complete if Known 10/701,455

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Number

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449A/PTO

Sheet

Filing Date November 6, 2003 First Named Inventor Eric B. Stenzel Art Unit 3738

(Use as many sheets as necessary)

US-

Examiner Name Suzette Jamie J Gherbi 12013/48301 Attorney Docket Number

U.S. PATENT DOCUMENTS					
Examiner C Initials * N	Cite	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan
	No.1	Number - Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		Passages or Relevant Figures Appear
		US- 2003/068355 A1	04/10/03	Shanley	
		US- 6,210,703 B1	04/03/01	Novich	
	1	US-			
		US-			
	1	US-			
		US-			
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		US-			

	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵		
	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )						
		WO 03/030879 a	04/17/03					
		WO 2004/016298 A	02/26/04					
		WO 2004/087251 A	10/14/04					

Examiner Signature	Date Considered	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \(^1\) Applicant's unique citation designation number (optional). \(^2\) See Kinds Codes of USPTO Patent Documents at \(\frac{\text{www.uspto.gov}}{\text{upplo.gov}}\) or MPEP 901.04. \(^3\) Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \(^4\) For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.